IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2816 of 1998

Between:

V.Balaramaiah,

S/o.Venkateswar, 42 years,

R/o.Mango Market, Vijayawada,

Krishna District.

..... PETITIONER

AND

1. The Chairman & Managing Director,

   Central Bank of India, Chandramukhi, Narimanpoint, Bombay.

2. The General Manager (PRs), Central Bank of India,

   Chandramukhi, Narimanpoint, Bombay.

3. The Zonal Manager, Central Bank of India,

   Koti, Bank Street, Hyderabad.

4. The Regional Manager, Central Bank of India,

   Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased

to issue Writ or order or direction preferably one in the nature of the writ of mandamus and declare the circulars dated 15-04-1993, 03-06-1993 and 30-07-1993 issued by the respondents as illegal, arbitrary and unconstitutional and hence the same may be struck down.

Counsel for the Petitioner: MR.WILLIAM BURRA

Counsel for the Respondents: MR.C.SRINIVASA BABA

The Court made the following :

HONOURABLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION NO : 2816 of 1998

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to declare the Circulars dated 15-04-1993, 03-06-1993 and
30-07-1993, issued by the respondents, as illegal and arbitrary.

2. Admittedly, those circulars were issued in pursuance an interim order passed by the High Court of Bombay in a Writ Petition filed before it by some organization and as such based upon the order passed by the High Court of Bombay, the salary of the petitioner was reduced from Rs.3,420/- to Rs.3,300/-.

3. Sri C.Srinivasa Baba, learned Standing Counsel for the respondents submits that the Writ Petition, filed before the High Court of Bombay, was disposed of, directing the Bank to issue notice, before effecting any reduction in the pay scales.

4. In fact, similar writ petitions were filed before this Court also and this Court while allowing the W.P.No.10972 of 1994, dated 19-08-2004, found that the impugned order was not preceded by any notice before the petitioner's pay structure was altered by the impugned proceedings and the same was not

rebutted by way of a counter-affidavit. Aggrieved by the same, the Bank had taken the matter in appeal being Writ Appeal No.327 of 1995. The said Writ Appeal was disposed of on 15-03-2005, with the following direction:

> "The respondents herein filed the above Writ Petition seeking Writ of Mandamus to declare the Circular No.CO.PRS.IRP.93-94/101, dated 12-04-1993 and consequent letter dated 18-08-1993 as illegal, arbitrary and unconstitutional. The learned single Judge, after considering the matter, found that the order was not preceded by any notice and on that ground allowed the Writ Petition. Against the said order, the present Writ Appeal has been filed.
>
> The learned counsel for the appellants submits that the order of the learned single Judge is not sustainable inasmuch as it is always open for the Bank to issue notice and take appropriate action.
>
> We are not inclined to clarify the situation. The only ground on which the order was set aside was that there was no notice to the respondents herein before passing the Circular dated 12-04-1993 and issuing the letter dated 18-08-1993 and we do not find any infirmity in the order passed by the learned single Judge.
>
> Accordingly, the Writ Appeal is dismissed at the admission stage. No costs."

5. On a perusal of the order made by a Division Bench of this Court, it is clear that issuing Circular without giving prior notice was bad in law. Hence, following the order passed in the said Writ Appeal, this Writ Petition is also allowed, directing the respondents to issue notice before passing of any order reducing the salary of the petitioner. No order as to costs.

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Kvr July 20, 2005

To

1. The Chairman & Managing Director,

Central Bank of India, Chandramukhi, Narimanpoint, Bombay.

2. The General Manager (PRs), Central Bank of India, Chandramukhi, Narimanpoint, Bombay.

3. The Zonal Manager, Central Bank of India, Koti, Bank Street, Hyderabad.

4. The Regional Manager, Central Bank of India, Vijayawada, Krishna District.

5. Two C.D.copies.